

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
3:04-cv-00050

GRACE R, WALDON and)
ENVIRONMENTAL WATER)
SOLUTIONS, INC., a North)
Carolina Corporation,)
)
Plaintiffs,)
)
v.)
)
DANNY L. BURRIS, CAROL BURRIS,)
WATER RESOURCE CORP. USA,)
DYNPAR, LLC, ENVIRONMENTAL)
WATER SOLUTIONS, INC., an)
Oklahoma Corporation, COMPUTER)
SCIENCES CORPORATION, and)
DYNCORP,)
)
Defendants.)
_____)

ORDER

THIS MATTER is before the Court on Plaintiff's Motion to Stay Consideration of Defendants' Summary Judgment Motions, to Reopen Discovery, and Compel Disclosure.

Defendants argue that the Motion to Reopen is not timely and that Plaintiff cannot have a second chance at discovery when they chose not to depose Mr. Peckinaugh during the discovery period. Plaintiffs, however, explain that the declaration of Mr. Peckinaugh, which was submitted as evidence for a motion for summary judgment after discovery had closed, raised new issues that might be pertinent to the case. This Court agrees with Plaintiff that the declaration of Mr. Peckinaugh does bring up questions regarding his involvement with the case and his client.

But at this time, the Court is unwilling to wholly waive the attorney-client privilege. Rather, Plaintiff can reopen discovery for the limited purpose of deposing Carl J. Peckinpaugh regarding only his role in the lawsuit and relationship to Defendants. At the close of this very

limited deposition, parties should provide the Court with copies of the deposition as well as any arguments regarding Plaintiff's Motion to Compel. Until such evidence is presented, this Court declines to rule on the Motion to Compel.

Therefore it is ordered that the Motion to Stay Consideration of Defendants' Summary Judgment Motions is GRANTED, Motion to Reopen Discovery is GRANTED, and Motion to Compel Disclosure is STAYED.

Signed: April 17, 2007

A handwritten signature in cursive script, reading "Graham C. Mullen", written over a horizontal line.

Graham C. Mullen
United States District Judge

